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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,238	04/10/2006	Nercivan Kerimovska	9564-35	9239

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EXAMINER	
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ART UNIT	PAPER NUMBER
2626	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/539,238	KERIMOVSKA ET AL.	
	Examiner	Art Unit	
	JAKIEDA R. JACKSON	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 October 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7, 9-13, 15-20, 23-32, 34-35, 37, 39-42 and 44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,9-13,15-20,23-32,34,35,37,39-42 and 44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 1, 2008 has been entered.

Response to Arguments

2. Applicant argues that Witkowski describes a TTS module in a motor vehicle. Witkowski discloses a wireless communication link and does not disclose or suggest a TTS module that is physically attachable to the electronic device. However, it old and well known in the art that physically attaching devices and wirelessly attaching devices in attempt to communicate, are obvious well know variants of connectors, as taught by Sherman (PGPUB 2004/0128129, paragraphs 0031-0032 and 0007-0011).

Applicant further argues that nowhere does the cited portion of Roth discloses or suggest that the rate at which data is sent to the TTS is controlled in response to the scrolling. In other words, while Roth may disclose that scrolling may control the output of the highlighted data by the TTS, the cited portion of Roth does not disclose or suggest that he scrolling may control the rate at which the data is sent to the TTS. Applicant further notes that the TTS of Roth says "each highlighted choice after a brief

pause". As such, Roth teaches away from controlling the rate at which data is sent to the TTS. Applicant arguments are not persuasive.

Roth teaches that the user scrolls an item in the correction window and the TTS says the currently highlight choice. That implies that instead of the TTS system 'saying' everything or controlling what is to be played, the user can control a certain amount/quantity of what should be said. The user can control the rate. Furthermore, although Roth teaches, it is not until after the user scrolls to an item and the TTS does the translation, that the pause is encountered. Roth teaches that "If the user scrolls up or down an item in a menu, functions 9460 and 9462 use TTS or pre-recorded audio to say highlighted choice ***and*** then, after a brief pause, any following section on the currently displayed page of the menu (paragraph 0373). Even figure 94, teaches that the brief pause is incorporated for extended selections (elements 9436 and 9438), not for the highlighted text highlighted by the user. Also, a prior art reference that "teaches away" from the claimed invention is a significant factor to be considered in determining obviousness; however, "the nature of the teaching is highly relevant and must be weighted in substance. A known or obvious composition does not become patentable simply because it has been described as somewhat inferior to some other product for the same use." In re Gurley, 27 F.3d 551, 554, 31 USPQ2d 1130, 1132 (Fed. Cir. 1994)....The court held the claims would have been obvious over prior art because the reference taught epoxy resin based material was useful for applicant's purpose, applicant did not distinguish the claimed epoxy from the prior art epoxy, and applicant asserted no discovery beyond what was known in the art. Furthermore, "the prior art's

mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed..." In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004). A reference is no less anticipatory if, after disclosing the invention, the reference then disparages it. The question whether a reference teaches away from the invention is inapplicable to an anticipation analysis. Furthermore, The PTO must give claim words their broadest reasonable meaning in their ordinary usage, as understood by one of ordinary skill in the art. **In re Morris**, 127 F.3d 1048, 44 USPQ2d 1023 (Fed. Cir. 1997). The Applicant provided an example explaining what the claim limitation is implying by stating when the user scrolls quickly the speed at which the words of the paragraph is increased in response to the speed of scrolling through the lines or words of the paragraph. However, after looking at the specification, nowhere does the specification teach such example. According to the Applicant's specification (PGPUB 20060217981) paragraphs 0016, 0029 and 0057-0058 merely states that the control unit is arranged to extract a line at a time from the display and sending it to the speech generating device in dependence of scrolling the display. Nowhere does Applicant's specification support the faster the user scrolls, the faster the information in outputted. Furthermore, if the user selects a whole text or file to be converted, as suggested by Applicant's invention (paragraph 0058), the speed is not being controlled. Rather the user selects what should be read aloud and the converter outputs the appropriate information. Therefore, Roth teaches the claim limitation of varying in response to a rate (rate being broadly interpreted as the amount

of data) at which the user scrolls the displayed data (paragraphs 0371-0373 of Roth teaches that the TTS says the selection in response to the scroll). Therefore, Applicant's arguments are not persuasive.

Applicant argues that claim 44 in not taught by Roth. However, claim 44 is being rejected by the newly cited prior art. Therefore, Applicant's arguments are not persuasive.

Applicant further argues that Roth does not teach sending the data to the TTS in response to recognizing entry spaces and/or punctuation marks. Applicant's arguments are persuasive, but are moot in view of new grounds of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claim 44** is rejected under 35 U.S.C. 102(e) as being anticipated by Sherman (PGPUB 2004/0128129).

Regarding **claim 44,** Sherman discloses a functional cover for a mobile terminal housing, the functional cover comprising:

a shell (a housing) configured to be conformably attached to a surface of the mobile terminal housing (PDA; paragraphs 0007-0011);

a microcontroller within the shell (housing) configured to be connected to the mobile terminal (PDA) and configured to receive data therefrom (paragraphs 0007-0011); and

conversion circuit coupled to the microcontroller within the shell and configured to convert the received data into a speech signal and provide the speech signal to a speaker for output (text to speech; abstract with paragraph 0016).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claims 1-5, 7, 9-13, 15-20, 23-24, 26-32, 34-35, 37 and 39-41** are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al. (PGPUB 2004/0049388), hereinafter referenced as Roth in view of Sherman (PGPUB 2004/0128129).

Regarding **claim 1**, Roth discloses an apparatus comprising:

a display configured to display various readable data (displays on the touch screen; column 6, paragraph 0120); and

a control unit (CPU/microprocessor) configured to extract at least a part of the displayed data and configured to send the extracted part of the displayed data to a speech generating device that is configured to generate speech from the extracted part of the displayed data (column 6, paragraph 0120),

wherein the speech generating device (speech recognition) is attachable to the apparatus (cell phone; column 3, paragraph 0034), and wherein the control unit is configured to send the extracted part of the displayed data to the speech generating device at a rate that is controlled in response to user interaction with the display comprising scrolling in the display (scroll) and/or voice control input received from a user (column 28, paragraphs 0371-0373), but does not specifically teach that the speech generation device is external and attachable. However Roth teaches (figure 10) a docking connector (element 1022) and an add-on connector (element 1024), which can incorporate an external/attachable speech generating device.

Sherman teaches a TTS module that can be incorporated within the apparatus (device inserted into a slot of the processing device (paragraphs 0031-0032 and 0007-0011), to incorporate a speech generator to a PDA or the like.

Therefore, it would have been obvious to one of ordinary skill of the art at the time the invention was made to modify Roth's apparatus as described above, for facilitating text to speech conversion for a variety of different application (abstract), as taught by Sherman.

Regarding **claim 2**, Roth discloses an apparatus wherein the control unit is configured to automatically send said extracted part of the displayed data to the speech generating device a line or word (word; column 28, paragraphs 0369-0373).

Regarding **claim 3**, Roth apparatus wherein the control unit is configured to send said extracted part of the displayed data to the speech generating device a line based on the scrolling the display (word; column 28, paragraphs 0369-0373).

Regarding **claims 4 and 23**, Roth discloses an apparatus wherein displayed data includes text from menus (menu; column 8, paragraph 0140), text messages, help information (help mode; column 2, paragraph 0029), calendars and/or confirmation of actions taken with the apparatus.

Regarding **claims 5 and 24**, Roth discloses an apparatus wherein the control unit is configured to send said extracted part of the displayed data to the speech generating device a line or word at a time based on inputting characters to the apparatus via a keypad (user scrolls to a selection; column 28, paragraphs 0371-0373).

Regarding **claims 7 and 26**, Roth discloses an apparatus and method wherein the control unit is configured to extract the displayed data from a selected file and automatically send the displayed data to the speech generating device the controllable rate (user scrolls to a selection; column 28, paragraphs 0371-0373).

Regarding **claims 15 and 34**, Roth discloses an apparatus wherein the speech generating device includes a microcontroller is configured to be connected to a memory device containing language information including various languages, abbreviation list and/or dictionaries (dictionaries; column 1, paragraph 0019).

Regarding **claims 16 and 35**, Roth discloses an apparatus wherein the speech generating device includes a microcontroller is configured to be connected to a memory device containing voice settings (speech settings; column 9, paragraph 0156).

Regarding **claim 17**, Roth discloses an apparatus wherein the speech generating device includes a microcontroller is configured to be connected to the apparatus via a system connector having an interface for audio signals (audio signal; column 10, paragraph 0167), serial channels, power leads and/or analog and digital grounds leads.

Regarding **claim 18**, it is interpreted and rejected for the same reasons as set forth in claim 1. In addition, Witkowski discloses an apparatus wherein the speech generating device includes a functional cover, comprising a shell configured to cover a front of the apparatus and a microprocessor configured to cooperate with a the control unit of the apparatus (paragraphs 0045, 0059 and 0062).

Regarding **claim 19**, Roth discloses an apparatus wherein the apparatus comprises a portable telephone (PDA), a pager, a communicator and/or an electronic organizer, and wherein the display (screen) and the control unit are built into the apparatus (column 6, paragraph 0118-0120 with figure 9).

Regarding **claims 20,** it is interpreted and rejected for similar reasons as set forth in claim 1. In addition, Roth discloses an apparatus, comprising:

a display configured to display various readable data (display; column 6, paragraph 0120);

a control unit (CPU/microprocessor; column 6, paragraph 0120); and

a speech generating device including a conversion circuit therein configured to convert received data to a speech signal (TTS; column 27, paragraph 0352) and configured to be connect to a speaker system (speaker; column 6, paragraph 0120),

wherein the control unit is configured to extract at least a part of the displayed data and send the extracted part of the displayed data to the speech generating device at a fixed and/or controllable rate based on user interaction with the display comprising scrolling (scroll) and /or voice control input received from a user (column 28, paragraphs 0371-0373).

Regarding **claim 27**, Roth discloses an apparatus wherein the speaker system is integrated with the apparatus (speaker; column 6, paragraph 0120).

Regarding **claim 37**, Roth discloses a computer program product comprising a computer readable storage medium having computer readable code embodied therein, the computer readable program code configured to be loaded into internal memory of an apparatus having a display for showing various readable data, the computer readable program code comprising:

computer readable program code configured to achieve the functionality of the apparatus (software code; column 36, paragraph 0458).

Regarding **claim 39**, it is interpreted and rejected for the same reasons as set forth in claim 1. In addition, Roth discloses a wireless communication device, comprising:

a display configured to display various readable data (displays on touch screen; column 6, paragraph 0120);

a speaker (speaker; column 6, paragraph 0120);

a speech generating device built into the mobile phone handset (cell phone; column 3, paragraph 0034) including a conversion circuit therein configured to convert received data to a speech signal (TTS) and provide the speech signal to the speaker (column 27, paragraph 0352); and

a control unit (CPU/microprocessor) configured to extract at least a part of the displayed data and send the extracted part of the displayed data to the speech generating device (column 6, paragraph 0120).

Regarding **claim 40**, it is interpreted and rejected for the same reasons as set forth in claims 1.

Regarding **claim 41**, Roth discloses a mobile phone headset wherein the control unit is configured to send said extracted part of the displayed data to the speech generating device responsive to input of characters to the mobile phone headset (input buttons; column 6, paragraphs 0118-0120).

6. **Claims 6, 25 and 42** are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth in view of Sherman and in further view of Kivimaki (PGPUB 2001/0014860).

Regarding **claims 6, 25 and 42**, Roth in view of Sherman discloses a TTS apparatus, but does not specifically teach wherein the control unit is configured to send the displayed data to the speech generating device responsive to input of spaces and/or punctuation.

Kivimaki discloses an apparatus wherein the control unit is configured to send the displayed data to the speech generating device responsive to input of spaces and/or punctuation (punctuation identifiers; paragraphs 0025, 0046 and 0082), to convert speech to text.

Therefore, it would have been obvious to one of ordinary skill of the art at the time the invention was made to modify Roth in view of Sherman's apparatus as described above, to improve the level of comprehension a user has of speech output form such speech synthesizer systems (paragraph 0004), as taught by Kivimaki.

7. **Claims 9-13 and 28-32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth in view of Sherman and in further view of Freeland et al. (WO 01/57851 A1), hereinafter referenced as Freeland.

Regarding **claims 9 and 28**, Roth in view of Sherman disclose a speech recognition apparatus, but does not specifically teach wherein the data is received as ASCII characters.

Freeland discloses an apparatus wherein the data is received as ASCII characters (standard English, such as Americanised English; column 22, lines 22-24 with column 28, lines 6-10), to provide a customized system and apparatus.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Roth in view of Sherman's apparatus wherein

the data is received as ASCII characters, as taught by Freeland, to allow the information to be delivered in the preferred language (column 22, lines 20-24).

Regarding **claims 10 and 29**, Roth in view of Sherman disclose a speech recognition apparatus, but does not specifically teach wherein the speech generating device includes a conversion circuit is configured to support various selectable languages.

Freeland discloses an apparatus wherein the speech generating device includes a conversion circuit is configured to support various selectable languages (other languages can be used; column 22, lines 22-24), to provide a customized system and apparatus.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Roth in view of Sherman's apparatus wherein the speech generating device includes a conversion circuit is configured to support various selectable languages, as taught by Freeland, to allow the information to be delivered in the preferred language (column 22, lines 20-24).

Regarding **claims 11 and 30**, Roth in view of Sherman disclose a speech recognition apparatus, but does not specifically teach wherein the conversion circuit is configured to download languages via the connected apparatus.

Freeland discloses an apparatus wherein the conversion circuit is configured to download languages via the connected apparatus (upload; column 24, lines 5-18 with column 17, lines 8-12), to provide a user-customizable supported word-base with the character TTS system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Roth in view of Sherman's apparatus wherein the conversion circuit is configured to download languages via the connected apparatus, as taught by Freeland, to allow the user to define which words in the customizable supported word-base which are to be supported word-base, audio format speech samples to provide suitable recorded speech units for each supported word in said supported word-base (column 24, lines 5-12).

Regarding **claims 12 and 31**, Roth in view of Sherman disclose a speech recognition apparatus, but does not specifically teach wherein the speech generating device includes a conversion circuit is configured to support various selectable voices.

Freeland discloses an apparatus wherein the speech generating device includes a conversion circuit is configured to support various selectable voices (spoken voices; column 22, lines 22-29), to obtain one or more characters speaking in the target language.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Roth in view of Sherman's apparatus wherein the speech generating device includes a conversion circuit is configured to support various selectable voices, as taught by Freeland, to provide a user-customizable supported system (column 34, lines 5-12).

Regarding **claims 13 and 32**, Roth in view of Sherman disclose a speech recognition apparatus, but does not specifically teach wherein the conversion circuit is configured to download the voices via the connected apparatus.

Freeland discloses an apparatus wherein the conversion circuit is configured to download the voices via the connected apparatus (downloading voices; column 40, lines 27-33), to allow the user to customize the apparatus.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Roth in view of Sherman's apparatus wherein the conversion circuit is configured to download the voices via the connected apparatus, as taught by Freeland, to allow the information to be delivered in various sounds and tones, to provide a customized apparatus and method (column 40, line 27- column 41, line 5).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAKIEDA R. JACKSON whose telephone number is (571)272-7619. The examiner can normally be reached on Monday-Friday from 5:30am-2:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jakieda R Jackson/
Examiner, Art Unit 2626
November 7, 2008

/David R Hudspeth/
Supervisory Patent Examiner, Art Unit 2626